

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

HER, et al.,

Defendants.

No. 2: 22-cv-1849 KJM KJN P

ORDER

Plaintiff is a civil detainee, proceeding without counsel, with this civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, plaintiff is granted fourteen days to comply with the June 29, 2023 order.

On February 16, 2023, the undersigned ordered plaintiff to file further briefing in support of his in forma pauperis application. (ECF No. 13.) Plaintiff's trust account statement indicated that as of September 20, 2022, plaintiff had \$5221.90 in his trust account. (Id. at 1.) The undersigned ordered plaintiff to file further briefing addressing the source of various deposits to his trust account. (Id. at 4-5.)

On June 5, 2023, plaintiff filed further briefing addressing his in forma pauperis application. (ECF No. 18.) Plaintiff claimed that the Honorable Robert Hillman ordered Deputy Attorney General John Falconer to "clear up" all of plaintiff's filing fees in the United States District Court for the Eastern District as part of a settlement agreement reached in a case

1 proceeding in the Northern District. (Id. at 4-5.) Plaintiff requested that this court investigate this  
2 matter. (Id.)

3 In the June 29, 2023 order, the undersigned informed plaintiff that he had no authority to  
4 enforce the plea agreement allegedly reached between plaintiff and the Office of the Attorney  
5 General in the Northern District case. (ECF No. 19.) The undersigned advised plaintiff that his  
6 remedy for an alleged breach of this plea agreement was to file a notice of breach of plea  
7 agreement in the Northern District case. (Id.) The undersigned granted plaintiff thirty days to file  
8 a notice of breach of plea agreement in the Northern District case where the Office of the  
9 Attorney General allegedly agreed to pay the filing fee in the instant action. (Id.) The  
10 undersigned ordered plaintiff to file, within thirty days, proof of service in the instant action of  
11 the notice of breach of plea agreement filed in his Northern District case. (Id.)

12 On July 10, 2023, plaintiff filed a notice of breach of plea agreement in the instant action.  
13 (ECF No. 20.) In this pleading, plaintiff alleges that the Office of the Attorney General breached  
14 a plea agreement reached in plaintiff's Northern District case, no. 21-cv-3189 YGR, when they  
15 failed to pay the filing fee for the instant action. (Id.) This pleading does not contain a proof of  
16 service demonstrating that plaintiff filed this pleading in the Northern District case, no. 21-cv-  
17 3189. The undersigned reviewed the docket for case 21-cv-3189 and finds that plaintiff did not  
18 file the notice of breach of plea agreement in that case.

19 Plaintiff failed to comply with the June 29, 2023 order because he did not file the notice of  
20 breach of plea agreement in his Northern District case. As stated in the June 29, 2023 order, the  
21 undersigned has no authority to enforce a plea agreement reached between plaintiff and the Office  
22 of the Attorney General in plaintiff's Northern District case.

23 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted fourteen days from the  
24 date of this order to file proof of service showing that he filed the notice of breach of plea

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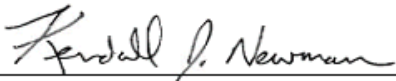
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1 agreement in the Northern District case; if plaintiff fails to comply with this order, the  
2 undersigned will disregard plaintiff's claim that the Office of the Attorney General agreed to pay  
3 the filing fee for this action in the settlement agreement reached in the Northern District case.

4 Dated: July 17, 2023

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6 KENDALL J. NEWMAN  
7 UNITED STATES MAGISTRATE JUDGE

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